

FILED  
BILLINGS, MT

IN THE UNITED STATES DISTRICT COURT

2006 MAR 28 PM 1 45

FOR THE DISTRICT OF MONTANA

PATRICK E. DUFFY, CLERK

BILLINGS DIVISION

BY \_\_\_\_\_  
DEPUTY CLERK

HENDERSON DUVAL HOUGHTON,

)

CV-05-139-BLG-RFC

)

Plaintiff,

)

vs.

)

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
U.S. MAGISTRATE JUDGE

DAVE COMFORT; JOHN PETERSON; and  
RICH ST. JOHN,

)

)

)

Defendants.

)

)

On February 10, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Plaintiff's first claim be dismissed with prejudice because it is barred by the applicable statute of limitations and that his third claim be dismissed without prejudice for failure to state a claim on which relief can be granted.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed what appear to be objections in the form of a "Motion for Reconsideration by U.S. Magistrate Judge," on March 7, 2006. Plaintiff's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact. Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's first claim is **DISMISSED WITH PREJUDICE** and that Plaintiff's

third claim is **DISMISSED WITHOUT PREJUDICE.**

The Clerk of Court shall notify the parties of the making of this Order.

DATED this 28<sup>th</sup> day of March, 2005.

  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE